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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,198	11/18/2000	Carl P. Taussig	10990989-1	6159

22879 7590 10/09/2002

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2653

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Advisory Action

Application No.

09/716,198

Applicant(s)

TAUSSIG, CARL P.

Examiner

Aristotelis M Psitos

Art Unit

2653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached pages.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Aristotelis M Psitos
Primary Examiner
Art Unit: 2653

Art Unit: 2653

In response to applicant's representatives request for reconsideration/explanation of the rejection dated 5/21/02, the examiner submits the additional information.

With respect to claim 1, the claim recites a disc with a constant angular velocity wobbled groove. This is considered present in the primary reference. Furthermore, the examiner interpreted the claim to also included Z-CAV formatted discs – see Kobayashi et al for discussion of Z-CAV formatted discs. The examiner concludes that the claimed subject matter is present in the primary reference of record. Also, applicant's attention is drawn to figure 5. Furthermore, as disclosed in the specification, the spindle is rotated at a constant angular velocity to yield the claimed invention. This is considered to be present in the primary reference relied upon in the final rejection.

With respect to claim 3, the primary reference discusses "plurality of concentric zones – see col. 4 lines 17 to 27.

With respect to claim 4, as defined by applicant, the angular relationship exists in the appropriate zone-CAV format; hence it is inherently present in the primary references.

With respect to claim 5, see column 10 lines 35-45.

With respect to claim 6, any deviation in each zone would be the same fixed percentage.

With respect to claim 7, the wobble cycle in a Z-CAV meets this requirement.

With respect to claim 8, as acknowledged by applicant, the aggregate meets this requirement.

With respect to claim 8, as acknowledged by applicant, the aggregate a zone of a disk with CAV wobbled groove has the same number wobble cycles as a zone of a disk having a constant linear velocity. Since the primary reference has the CAV limitation, it inherently has the limitation of claim 8.

With respect to claim 9, yes, the wobble cycles in the same zone are spatially coherent.

With respect to claim 10, because the wobble cycles in each zone are spatially coherent, this limitation is present as well.

With respect to claims 11, 13-18, these claims recite similar limitations as analyzed above and hence no further discussion is warranted.

A copy of the Kobayashi et al is provided herewith.

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The period to respond to the outstanding office action continues to run from the date of the Final rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2653

AMP
October 7, 2002

Notice of References CitedApplication/Control No.
09/716,198Applicant(s)/Patent Under
Reexamination
TAUSSIG, CARL P.Examiner
Aristotelis M PsitosArt Unit
2653

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5754522	05-1998	Kobayashi et al	369/275.3
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.